

OT 15 2004

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CLARK & ELBING LLP 101 FEDERAL STREET BOSTON MA 02110

In re Application of:

Horvitz et al.

Serial No.: 08/984,178 Filed: December 3, 1997

Attorney Docket No.: 01997198006

DECISION ON PETITION TO WITHDRAW THE HOLDING

OF ABANDONMENT

This is in response to applicants' petition under 37 CFR. § 1.181(a) and MPEP 711.03(c) filed on October 6, 2003, requesting withdrawal of the holding of abandonment of the above-identified application based on non-receipt of an Office action and to restore the application to a pending status. The delay in acting upon this petition is regretted.

A review of the file history shows that the Office mailed a Notice of Allowance and Issue Fee Due, setting a three-month statutory period for reply, and a Notice of Allowability, setting a three-month shortened statutory period for reply, to applicants on April 2, 2003. Applicants state that the Notices were never received and provide as evidence thereof a copy of the redacted docket record, showing non-receipt of the Notices. Applicants also provide a declaration attesting to the fact that the Notices were never received. Based on the evidence presented, it is concluded that applicants never received the Notices. In view thereof, the Notices mailed April 2, 2003 are vacated and the application is restored to pending status with the mailing date of this decision.

Applicants' petition is **GRANTED**. The application will be forwarded to the examiner for prompt mailing of a new Notice of Allowance and Issue Fee Due and the Notice of Allowability.

Should there be any questions about this decision, please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile at 703-872-9306.

Jasemine C. Chambers

Director, Technology Center 1600